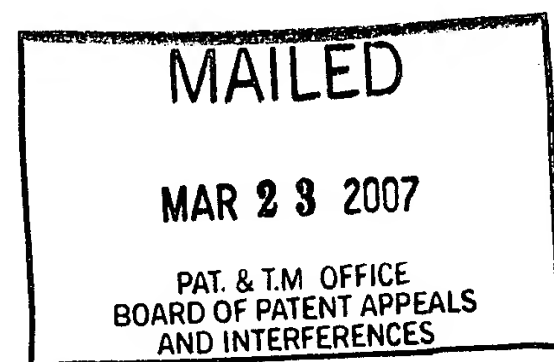


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCE

Ex parte SCOTT J. BROUSSARD

Application 09/870,613



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences (BPAI) on October 21, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

April 24, 2006, appellant filed a Supplemental Appeal Brief. A review of the file reveals that the "Summary of Claimed Subject Matter" does not map the independent claim(s) or dependent claims argued separately to the specification, as set forth in 37 CFR § 41.37(c)(1)(v) which states:

(v) Summary of claimed subject matter. A concise explanation of the subject matter defined in each of the independent claims involved in the appeal, which shall refer to the specification by page and line number, and to the drawing, if any, by reference characters. For each independent claim involved in the appeal and for each dependent claim argued separately under the provisions of paragraph (c)(1)(vii) of this section, every means plus function and step plus function as permitted by 35 U.S.C. 112, sixth paragraph, must be identified and the structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any, by reference characters.

Proper correction of the Appeal Brief is required.

Accordingly, it is ORDERED that the application is returned to the Examiner to:

- 1) hold the Appeal Brief filed on April 24, 2006, defective;
- 2) notify appellant to file a supplemental Appeal Brief compliance with 37 CFR § 41.37;

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- 3) to consider the supplemental Appeal Brief, and if necessary vacate the Examiner's Answer mailed July 17, 2006 and submit a new Examiner's Answer, and
- 4) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES



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PJN:pgc

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